

Application Serial No. 10/581,953
Reply to Office Action of September 17, 2009

PATENT
Docket: CU-4850

REMARKS

In the Office Action, dated September 17, 2009, the Examiner states that Claims 1-12 are pending and rejected. By the present Amendment, Applicant cancels the claims and adds new Claims 13-22.

Rejections under 35 U.S.C. §112

Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant indicates that Claims 1-12 have been cancelled rendering this rejection moot. New Claims 13-22 have been added and support for these claims can be found in previous Claims 1-12. The new claims have been drafted in light of the various clarity rejections raised in the present Office Action. Applicant respectfully asserts that the new claims clearly define the structural features of the decorative material of certain aspects of the present invention. As such, Applicant considers that the new claims should overcome all of the 35 U.S.C. §112, second paragraph, raised with respect to cancelled Claims 1-12.

Rejections under 35 U.S.C. §103(a)

Claims 1-8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takemoto (US 6,514,624) in view of Malina (US 6,641,926). Claims 8-9 and 11-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takemoto in view of Malina and Rosenkranz et al. Applicant respectfully disagrees with and traverses these rejections.

At the outset, Applicant indicates that Claims 1-12 are cancelled solely in the interest of advancing prosecution and without prejudice or disclaimer of the subject matter thereof. New Claims 13-22 are added, which substantially mirror cancelled Claims 1-12. Applicant respectfully asserts that new Claims 13-22 should not be rejected over the prior art for the following reasons:

Applicant respectfully asserts that Takemoto teaches, as can be seen in Figs. 1-3, a surface layer (3), a substrate (base material) (1), and a sealer layer (4). In the presently claimed invention, the surface layer comprises the blocking layer. In contrast thereto, the surface layer (3) of Takemoto does not comprise the sealer layer (4). The sealer layer of Takemoto is below the surface layer, a primer layer, and a pattern layer. Also, the surface layer of the present invention comprises a first impregnated paper layer. The first impregnated paper layer of Takemoto is

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comprised in the substrate (1), similar to the second impregnated paper layer of the presently claimed invention, and not the surface layer (3). Thus, the decorative sheet of Takemoto is structurally different than the presently claimed invention.

Applicant further respectfully asserts that Takemoto teaches away from locating the sealer layer anywhere but its disclosed location. Specifically, column 6, lines 51-58, describe various functions of the sealer layer and these functions would be destroyed if the layer was relocated to be comprised within the surface layer.

Even further, Takemoto does not teach or suggest the first impregnated paper layer of the presently claimed invention, and as such, Takemoto cannot teach or suggest a first and second impregnated paper layer impregnated with the same cured thermosetting resin.

With respect to Malina, even if this reference teaches "any number of impregnated papers," the layers are always above the blocking layer (21, 31, 41, 51, 61) (see Figs. 2-6). This is structurally opposite to the present invention where the blocking layer is above the first and second impregnated paper layers. Moreover, as the blocking layer of Malina is to prevent the penetration of moisture into the backer laminate (col. 9, lines 45-46), Applicant respectfully asserts that changing its location to be above the impregnated paper layers would destroy its intended function.

As such, Applicant respectfully asserts that neither Takemoto nor Malina, alone or in combination, teach a decorative material that is structurally similar to the decorative material as recited in Claim 13.

Since independent Claim 13 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

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Date

Respectfully submitted,



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